

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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CLAYTON WADE WHITEHEAD,

Plaintiff,

v.

Case No. 1:20-cv-1087 KWR/KK

TIMOTHY GARCIA, and  
OTERO COUNTY DETENTION CENTER,

Defendants.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION**

This matter is before the Court on Judge Kirtan Khalsa's Proposed Findings and Recommended Disposition ("PFRD"). Doc. 71. In that PFRD, Judge Khalsa recommends that the Court dismiss the remaining claims in this case with prejudice *Id.* at 24. Judge Khalsa notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* at 24. The deadline, with three additional days for mailing, ran on September 13, 2024. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996) (expressly stating that failure to file objection to PFRD waives review by *both* district court and appellate court). Furthermore, even assuming Plaintiff had properly filed an objection, upon review of the PFRD under *de novo* review or the appropriate standard, the Court concurs with Judge Khalsa's findings and recommendation.

**IT IS THEREFORE ORDERED THAT:**

1. The Court ADOPTS Judge Khalsa's Proposed Findings and Recommended Disposition (Doc. 71); and
2. The remaining claims in this case are dismissed with prejudice.

/S/  
UNITED STATES DISTRICT JUDGE